

Division 3. Air Resources Board

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Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

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Article 4.7. Spark-Ignition Marine Engines

**§ 2441. Definitions.**

(a) Definitions in section 1900(b), Division 3, Chapter 9, Title 13 of the California Code of Regulations, apply with the following additions:

(1) "Abuse" means incorrect or improper operation of an engine or equipment unit that results in the failure of an emission-related part.

(2) "Acceptable quality level" (AQL) means the maximum percentage of failing engines that can be considered a satisfactory process average for sampling inspections.

(3) "ARB Enforcement Officer" means any officer or employee of the Air Resources Board so designated in writing by the Executive Officer or by the Executive Officer's designee.

(4) "Capture rate" means the percentage of in-use engines subject to recall which must be corrected to bring the class of engines into compliance. The number of engines subject to recall shall be based on the actual number of engines in use as verified by engine registration records compiled and prepared by industry, or a comparable source as determined by the Executive Officer at the time a recall is initiated.

(5) "Carryover engine family" means an engine family that undergoes certification using carryover test data from previous model years.

(6) "Certification" means, with respect to new spark-ignition marine engines, obtaining an Executive Order for an engine family complying with the spark-ignition marine engine exhaust emission standards and requirements specified in Title 13, California Code of Regulations, sections 2442 and 2447.

(7) "Complete engine assembly" or "complete engine configuration" means an assembly of a basic engine and all of the specific applicable components (e.g., air inlet, fuel and exhaust systems, etc.) and calibrations (e.g., carburetor jet size, valve timing, etc.) required for the assembly to be installed in a new unit of equipment.

(8) "Emission control system" means any device, system, or element of design that controls or reduces the emission of substances from an engine.

(9) "Enforcement test results" means data or information gathered through enforcement programs conducted by the Air Resources Board. These programs include, but are not limited to, field inspections, in-use compliance testing, assembly-line testing.

(10) "Engine family" means a subclass of a basic engine based on similar emission characteristics. The engine family is the grouping of engines that is used for the purposes of certification.

(11) "Engine identification number" means a unique specification (for example, model number/serial number combination) that allows each spark-ignition marine engine to be distinguished from other similar engines.

(12) "Exhaust emissions" means matter emitted into the environment from any opening downstream from the exhaust port of a spark-ignition marine engine.

(13) "Executive Officer" means the Executive Officer of the Air Resources Board or his or her authorized representative.

(14) "Executive Order" means an order issued by the Executive Officer certifying engines for sale in California.

(15) "Family Emission Limit" means an emission value assigned by a marine engine manufacturer to an engine family for the purpose of complying with a corporate average exhaust emission standard. The Family Emission Limit (FEL) must not exceed the limit specified in this Article.

(16) "Fuel system" means all components involved in the transport, metering, and mixture of the fuel from the fuel tank to the combustion chamber(s) including, but not limited to the following: fuel tank, fuel tank cap, fuel pump, fuel lines, oil injection metering system, carburetor or fuel injection components, and all fuel system vents.

(17) "Inboard Engine" means a four-stroke spark-ignition marine engine not used in a personal watercraft that is designed such that the propeller shaft penetrates the hull of the marine watercraft while the engine and the remainder of the drive unit is internal to the hull of the marine watercraft.

(18) "Inspection criteria" means the pass and fail numbers associated with a particular sampling plan.

(19) "Marine engine manufacturer" means any person engaged in the manufacturing or assembling of new spark-ignition marine engines or the importing of such engines for resale, or who acts for and is under the control of any such person in connection with the distribution of such engines. A spark-ignition marine engine manufacturer does not include any dealer with respect to new spark-ignition marine engines received by such person in commerce.

(20) "Marine watercraft" means every description of boat, ship or other artificial contrivance used, or capable of being operated on water.

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(21) "Model year" means the engine manufacturer's annual new model production period which includes January 1 of the calendar year for which the model year is named, ends no later than December 31 of the calendar year, and does not begin earlier than January 2 of the previous calendar year. Where an engine manufacturer has no annual new model production period, model year means the calendar year.

(22) "New", for purposes of this Article, means a spark-ignition marine engine or watercraft the equitable or legal title to which has never been transferred to an ultimate purchaser. Where the equitable or legal title to the engine or watercraft is not transferred to an ultimate purchaser until after the engine or watercraft is placed into service, then the engine or watercraft will no longer be new after it is placed into service. A spark-ignition marine engine or watercraft is placed into service when it is used for its functional purposes. With respect to imported spark-ignition marine engines or watercraft, the term "New" means an engine or watercraft that is not covered by an Executive Order issued under this Article at the time of importation, and that is manufactured after the effective date of a section in this Article which is applicable to such engine or watercraft, or which would be applicable to such engine or watercraft had it been manufactured for importation into the United States.

(23) "Nonconformity" or "Noncompliance", for the purposes of Title 13, California Code of Regulations, section 2444, means that:

(A) a significant number, determined by the Executive Officer, of a class of engines, although properly maintained and used, experience a failure of the same emission-related component(s) within their useful lives which, if uncorrected, results in the engines' failure to comply with the emission standards prescribed under section 2442 which are applicable to the model year of such engines; or

(B) a class of engines that at any time within their useful lives, although properly maintained and used, on average does not comply with the emission standards prescribed under section 2442 which are applicable to the model year of such engines.

(24) "Original equipment manufacturer" means a manufacturer who purchases engines for installation in its equipment for sale to ultimate purchasers.

(25) "Outboard engine" means a spark-ignition marine engine that, when properly mounted on a marine watercraft in the position to operate, houses the engine and drive unit external to the hull of the marine watercraft.

(26) "Personal watercraft engine" means a spark-ignition marine engine that does not meet the definition of outboard engine, inboard engine or sterndrive engine, except that the Executive Officer may in his or her discretion may classify a personal watercraft engine as an inboard or sterndrive engine if it is comparable in technology and emissions to an inboard or sterndrive engine.

(27) "Production-line tests" are emission tests performed on a sample of production engines produced for sale in California and conducted in accordance with Title 13, California Code of Regulations, section 2446(a).

(28) "Sales" or "Eligible sales" means the actual or calculated sales of an engine family in California for the purposes of corporate averaging and production-line testing. Upon Executive Officer approval, an engine manufacturer may calculate its eligible sales through market analysis of actual federal production or sales volumes.

(29) "Scheduled maintenance" means any adjustment, repair, removal, disassembly, cleaning, or replacement of components or systems required by the engine manufacturer to be performed on a periodic basis to prevent part failure or marine watercraft or engine malfunction, or those actions anticipated as necessary to correct an overt indication of malfunction or failure for which periodic maintenance is not appropriate.

(30) "Spark-ignition marine engine" means any engine used to propel a marine watercraft, and which utilizes the spark-ignition combustion cycle.

(31) "Sterndrive engine" means a four-stroke spark-ignition marine engine not used in a personal watercraft that is designed such that the drive unit is external to the hull of the marine watercraft, while the engine is internal to the hull of the marine watercraft.

(32) "Test engine" means the engine or group of engines that an engine manufacturer uses during certification, production line and in-use testing to determine compliance with emission standards.

(33) "Ultimate purchaser" means, with respect to any new spark-ignition marine engine the first person who in good faith purchases such new spark-ignition marine engine for purposes other than resale.

(34) "U.S.C." means United States Code.

(35) "Useful life" for spark-ignition marine engines means nine years for personal watercraft engines and sixteen years for an outboard engine.

**Board Administration and Regulatory Coordination Unit**

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(36) "Warranty period" means the period of time the engine or part is covered by the warranty provisions.

(37) "Warranty station" means any dealer, service center or other agent that is authorized by the engine manufacturer to perform diagnostic labor, repairs or replacements of warranted engine components.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

**REFERENCE**